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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,240

06/20/2003

Chia Ching Chen

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7590

06/13/2006

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EXAMINER

WILLATT, STEPHANIE L

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,240

Applicant(s)

CHEN, CHIA CHING

Examiner

Stephanie L. Willatt

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3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 31, 31A, and 41B. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:
- Line 15 of page 4 should probably say --threader-- where it says "threaded."
 - As amended, line 15 of page 4 states that the detachable threader is not shown. However, it seems that the detachable threader is the part with the reference

number 31. Why was the reference number deleted from the specification? The same thing seems to have happened to reference numbers 31A and 41B.

Appropriate correction is required.

Claim Objections

3. Claims 1, 2, 11, and 13 are objected to because of the following informalities:

- In claim 11, --to-- should probably be inserted between "anchored" and "the feeding device" in the last line.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 9, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ali (US 6,497,237).

Ali discloses a floss dispenser, which comprises a housing detaining at least a receiving chamber (rear portion 24) with a floss bobbin (spool 12) rotationally received therein. A floss fork (arms 22) arranged at an end of the housing for bracing a section of floss (14) thereon. A first tension controlling device (wheel 40) arranged on the housing controlling the tension of the floss from the floss bobbin (spool 12). A tensioner (locking arm 50 and locking groove 52) is arranged adjacent to the feeding device so that it controls the tension between the floss bobbin (spool 12) and the floss fork (arms 22) during the flossing process. The tensioner (locking arm 50 and locking groove 52) is moveable so as to apply the tension to the floss or release the tension therefrom. The locking arm (50) is movably mounted to the housing, since it pivots. The tensioner (locking arm 50) is movable in a direction to release the tension of the floss so as to allow the floss to be removed from the floss fork thereby releasing the floss therefrom. The locking groove (52) provides a passage through which the floss extends to selectively apply tension to the floss by the movement of the locking arm (50), as discussed in column 4, lines 30-45. The floss fork (arms 22) defines a guiding slot for properly guiding the floss.

6. Claims 1, 7, and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bergman (US 6,874,509).

Regarding claims 1, 7, 9, and 12, Bergman discloses in the embodiment of Figure 15B, a floss dispenser comprising a housing detaining at least a receiving chamber (compartment 16) with a floss bobbin (spool 14) rotationally received therein.

A floss fork (F-shaped arm 8g) arranged at an end of the housing for bracing a section of floss (30) thereon. A first tension controlling device (post 134) arranged on the housing controlling the tension of the floss from the floss bobbin (spool 14). A tensioner (tensioning button 124a) is arranged adjacent to the feeding device so that it controls the tension between the floss bobbin (spool 14) and the floss fork (8g) during the flossing process. The tensioner (tensioning button 124a) is movable and it includes a passage (aperture 130) through which floss extends. The tensioner (tensioning button 124a) is movable in a direction to release the tension of the floss so as to allow the floss to be removed from the floss fork thereby releasing the floss therefrom. The tensioner (tensioning button 125a) A feeding hole in the chamber (compartment 16) includes a threader (channel 18) with a passage located inside it. The housing provides a cutter (plate 138).

Regarding claims 1 and 9-14, Bergman discloses in the embodiment of Figure 16, a floss dispenser comprising a housing detaining at least a receiving chamber (compartment 16) with a floss bobbin (spool 14) rotationally received therein. A floss fork (F-shaped arm 8g) arranged at an end of the housing for bracing a section of floss (30) thereon. A first tension controlling device (winding gear 44) arranged on the housing controlling the tension of the floss from the floss bobbin (spool 14). A tensioner (tensioning button 24) is arranged adjacent to the feeding device so that it controls the tension between the floss bobbin (spool 14) and the floss fork (8g) during the flossing process. The tensioner (tensioning button 24) is movable and it includes a passage (aperture 26) through which floss extends. A feeding hole in the chamber

(compartment 16) includes a threader (channel 18) with a passage located inside it. The floss routes from the receiving chamber (compartment 16) through a passage of the tensioner (tensioning button 24), through a guiding slot of the floss fork (8g), through notches (132) in the ends of the fork (8g), and around a post (axle 40). The tensioner (tensioning button 24) is movable in a direction to release the tension of the floss so as to allow the floss to be removed from the floss fork thereby releasing the floss therefrom. The tensioner (tensioning button 24) is moveable so as to apply the tension to the floss or release the tension therefrom. The floss fork (8g) defines a guiding slot for properly guiding the floss.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (US 6,497,237) in view of Brown (US 6,363,949).

Ali discloses the features discussed above, but does not disclose a transparent cover for the receiving chamber. Brown discloses a transparent cover (lid 5) for a receiving chamber, as discussed in column 4, lines 46-49. The cover (lid 5) protects the floss from contamination. It would have been obvious to one having ordinary skill in the

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art at the time the invention was made to make the floss dispenser of Ali with a cover, as taught by Brown, in order to protect the floss from contamination.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (US 6,497,237) in view of Lo (US 6,089,241).

Ali discloses the features discussed above, but do not disclose a threader. Lo discloses a threader (waterproof block 13) in a feeding hole (Figure 3). The threader (waterproof block 13) keeps the spool from becoming contaminated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a threader in the feeding hole of Ali, as taught by Lo, in order to keep the spool from becoming contaminated.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (US 6,497,237) in view of Brown (US 6,363,949) as applied to claim 2 above, and in further view of Lo (US 6,089,241).

Ali and Brown disclose the features discussed above, but do not disclose a threader. Lo discloses a threader (waterproof block 13) in a feeding hole (Figure 3). The threader (waterproof block 13) keeps the spool from becoming contaminated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a threader in the feeding hole of Ali, as taught by Lo, in order to keep the spool from becoming contaminated.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (US 6,874,509) in view of Brown (US 6,363,949).

Bergman discloses the features discussed above, but does not disclose a cover for the receiving chamber. Brown discloses a transparent cover (lid 5) for a receiving chamber, as discussed in column 4, lines 46-49. The cover (lid 5) protects the floss from contamination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the floss dispenser of Bergman with a cover, as taught by Brown, in order to protect the floss from contamination.

Allowable Subject Matter

12. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed 5 April 2006 have been fully considered but they are not persuasive. The addition of the passage as a limitation in claims 1 and 12 does not make claims 1 and 12 allowable, since Ali and Bergman each disclose a tensioner that includes passage. See the rejection above.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is (571) 272-4721. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


slw


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